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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAVI VIKASH CHAND,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75432

Agency No. A38-970-738

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Ravi Vikash Chand, a native and citizen of Fiji, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying Chand's motion to reopen removal proceedings. To the extent that we have jurisdiction, it is

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

conferred by 8 U.S.C. § 1252. We review for abuse of discretion the denial of a motion to reopen or reconsider. *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1187 (9th Cir. 2001) (en banc). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the BIA's decision of June 20, 2003, affirming the immigration judge's decision of February 11, 2003, because the instant petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1).

The BIA did not abuse its discretion when it denied the petitioner's motion to reopen as untimely because the motion was filed almost one year after the 90 day time limit had expired. *See* 8 C.F.R. § 1003.2(c)(2) (requiring a motion to reopen to be filed within 90 days).

PETITION FOR REVIEW DISMISSED in part; DENIED in part